THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.24034 OF 2005

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Dt: 10.11. 2005

Between:

B.V.B.Subba Rao

.. Petitioner

AND

The Director of School Education,

Government of A.P. Hyderabad and another

.. Respondents

ORDER:

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The petitioner retired as a Head Master in a private aided educational institution on 30.04.2000. His pension was not released for quite for some time, therefore, he had to approach this Court by filing W.P.No.22013 of 2002. The writ petition was disposed of on 03.11.2004, with certain directions. The pension of the petitioner was fixed and released thereafter. The grievance of the petitioner is that his service between 12.09.1978 to 17.09.1979 was not taken into account while fixing the pension. He made representations to various authorities and much correspondence ensued among them. This writ petition is filed seeking a direction to the respondents to revise the pensionary benefits to the petitioner by including the period from 12.09.1978 to 17.09.1979.

Sri S.R.Sanku has taken this Court though the order passed by this Court in

W.P.No.22013 of 2002 as well as the correspondence that ensued between the respondents and the office of the Accountant General. He contends that once the petitioner has been appointed as teacher initially on 12.09.1978, his service ought to have been confirmed from that day and there was no justification for the respondents in counting the service only from 17.09.1979.

Learned Government Pleader for School Education, on the other hand, submits that the petitioner was appointed against an aided vacancy only on 17.09.1979 and that he is not entitled for the benefit of any service rendered earlier thereto.

It is a matter of record that the petitioner was appointed against an aided vacancy for the first time on 17.09.1979. It may be true that he was initially appointed by the Management on 12.09.1978. However, unless such appointment was treated as against aided post or was approved by the competent authority, he shall not be entitled for the benefit of the service earlier to 17.09.1979. Even otherwise, if the petitioner had any grievance about the action of the respondents in not treating his service from 12.09.1978 to 17.09.1979, he ought to have raised an objection at the relevant point of time. It is impermissible for this Court or for the respondents to reopen the issue after quarter of a century. Even the records would not be available for any verification. Such a stale matter cannot be permitted to be reopened at this Stage.

Therefore, the writ petition is dismissed. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:10.11.2005

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